A SHORT TREATISE Touching Sheriffs Accompts.

Written by the Honourable Sir *Matthew Hale*, Kt. ſometime Lord Chief Juſtice of His Majeſty's Court of *King's-Bench*.

To which is added, A Tryal of Witches, at the Aſſizes held at *Bury St. Edmonds*, for the County of *Suffolk*, on the 10th of *March* 1664, before the ſaid Sir *Matthew Hale*, Kt.

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FOR

The Right Honourable

THE

LORD HIGH TREASURER

OF

ENGLAND,

And the

CHANCELLOR

Of the

EXCHEQUER.

ACcording to my Promiſe to your Lordſhips, I have given a large Hiſtorical Narrative of the Sheriffs Accompts for the

Annual Revenue of their Countries: Wherein ſome things may occurr that may be uſefull to the underſtanding of the Sheriffs Accompts, and many other old obſcure Records, and ſome things incidently opened that have been formerly obſcure and ſcarce intelligible, yet fit to be known. Some things alſo relating to the difference between the Auditors of the Revenue, and the Officers of the Pipe. There may be ſome miſtakes of my own, I confeſs, in a matter of ſo great intricacy, perplexity and obſoleteneſs, which I could not eaſily correct, in the Country, becauſe many of

of my Papers are at *London* that concern this buſineſs, and, I fear, hardly to be retrieved into a due order, in regard of the late diſtraction. And here may be ſome miſtakes in the Tranſcriber, which at this diſtance I could not examine. But, poſſibly, notwithſtanding theſe miſtakes, Your Lordſhips may find ſomething that may be uſefull, and when I wait upon you I ſhall review and correct.

Your Lordſhips

humble Servant.

THE

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A Short

A Short

TREATISE

Touching

Sheriffs Accompts.

CHAP. I.

Touching the ancient and modern Weight and Allay of Sterling Silver.

IT will be neceſſary for the better underſtanding of Sheriffs accompts, eſpecially in the elder times, to examine theſe matters, *viz.*

I. Touching the Denomination, Weight and Allay of Sterling Mo-

ney, the Corruptions thereof in both, and the remedies that have been formerly applied for the reformation of these corruptions.

II. Concerning Firmes, their nature, and how they were answered in former times. The first shall be the subject of this Chapter, the second the subject of the next.

Concerning the former of these, I shall apply my self singly to the business of Silver Coin, because that was the usual species wherein the King's Firmes were commonly answered.

And first, concerning the Coin of Silver, there are these things considerable therein.

1. The Authority or Power that gives it its Stamp, Weight, Denomination and Value.
2. The Matter of it.
3. The Weight and Denomination.

As concerning the first of these, it is, without all question, the inherent Regality and Prerogative of the Crown, to give the Currantness,

neſs, Allay, Weight, Denomination and extrinſique Value to the Coin of this Kingdom: and as it is a part of his Regality and Prerogative, ſo it is a part of his Regal Revenue, which is called the King's Seigniorage, or Royalty, or Coinage, *viz.* ordinarily, on every pound weight of Gold, the King had for his Coin 5*s.* out of which he paid to the Maſter of the Mint, for his work, ſometimes 1*s.* ſometimes 1*s.* 6*d.* Upon every pound weight of Silver, the Seigniorage, or Coinage, anſwered to the King, in the time of King *Edw.* 3. was 8 peny weight, *pondere*, which about that time amounted to 1*s.* out of which he paid ſometimes 8*d.* ſometimes 9*d.* to the Maſter. In the time of *H.* 5. the King's Seigniorage of every pound weight of Silver was 15*d.* See *Rot. Parl.* 9 *H.* 5. *pars* 2. *N.* 15. although the Authorization, Denomination and Stamp of Coin was undoubtedly the King's right, yet it appears by *Roger Hawood*, that in the troubleſome times of King

Stephen, viz. An. Dom. 1149. *Omnes Potentes, tam Epiſcopi quam Comites & Barones, ſuam faciebant monetam.* But *Henry* the ſecond coming to the Crown, remedied this uſurpation of the Baronage: *Novam fecit monetam quæ ſola recepta erat & accepta in regno.* And ſince that time, the exerciſe as well as the right of coining of Money in the Kingdom hath remained uninterruptedly in the Crown. It is true, that by certain ancient privileges, derived by Charter and Uſage from the Crown, divers, eſpecially of the eminent Clergy, had their Mints or Coinages of Money. As the Abbot of St. *Edmunds-bury, Clauſ.* 32 *H.* 8. *m.* 15. *dorſo:* And the Archbiſhop of *York Clauſ.* 5 *E.* 3. *pars* 1. *m.* 10. 19. *dorſo,* and ſome others. But although they had the profit of the Coin, yet they had neither the Denomination, Stamp, nor Allay: for upon every change of the Coin by the King's Proclamation, there iſſued over a Mandate to the Treaſurer

ſurer and Barons to deliver a Stamp over to thoſe private Mints to be uſed. But this liberty of Coinage in private Lords hath been long ſince diſuſed, and in a great meaſure, if not altogether, reaſſumed by the Statute of 3 *H.* 7. *Cap.* 6.

2. Concerning the ſecond, *viz.* the Matter or Species whereof the currant Coin of this Kingdom hath been made, it is Gold or Silver, but not altogether pure, but with an Allay of Copper, at leaſt from the time of King *H.* 1. and *H.* 2. though poſſibly in ancienter times the Species whereof the Coin was made might be pure Gold or Silver; and this Allay was that which gave the Denomination of Sterling to that Coin, *viz.* Sterling Gold, or Sterling Silver: Wherein there will be inquirable,

1. Whence that Denomination came.

2. How ancient that Denomination was.

3. What was the Allay that gave Silver that Denomination.

For the former of these there are various conjectures, and nothing of certainty.

Spelman supposeth it to take that Denomination from the *Esterlings*, who, as he supposeth, came over and reformed our Coin to that Allay. Of this opinion was *Cambden*, *A Germanis, quos Angli* Esterlings, *ab Orientali situ, vocarunt, facta est appellatio*; *quos* Johannes *Rex*, *ad Argentum in suam puritatem redigendam, primus evocavit: & ejusmodi nummi* Esterlingi, *in antiquis scripturis semper reperiuntur.* Some suppose that it might be taken up from the *Starre Judæorum*, who being the great Brokers for Money, accepted and allowed Money of that Allay, for currant payment of their Stars or obligations. Others from the impression of a Sterling, or of an Asterisck upon the Coin. *Pur ceo que le form d'un Stare, dont le diminutive est Sterling, fuit impresst ou stamp sur ceo.*

Auters pur ceo que le primer de ceste Standard fuit coyn en le Castle

de

de Sterlin in Scotland *pur le Roy* Edw. 1. And poſſibly as the proper name of the fourth part of a Peny was called a Farthing, and ordinarily a Ferling; ſo in truth the proper name of a Peny in thoſe times was called a Sterling, without any other reaſon of it than the uſe of the times and arbitrary impoſition, as other names uſually grow. For the old Act of 51 *H.* 3. called *Compoſitio Menſurarum*, tells us that *Denarius Angliæ Sterlingus dicitur.* And becauſe this was the root of the meaſure, eſpecially of Silver Coin, as will be ſhewed, therefore all our Coin of the ſame Allay was alſo called Sterling, as five Shillings Sterling, five Pounds Sterling.

2. When this name of Sterling came firſt in is uncertain, onely we are certain it was a Denomination in uſe in the time of *H.* 3. or *Ed.* 1. and after-ages. But it was not in uſe at the time of the compiling of Doomſday, for if it were we ſhould have found it there, where there is

ſo great occaſion of mention of Firmes, Rents and Payments.

Standard del mony en French eſt appel Pied de mony per Bodin, Pes monetarum, quaſi Princeps ibi pedem figit.

Matth. Paris *mag. Hiſt.* 220. *b. In le* 12 *an. de Roy* John *le primier ſtandard del Engliſh mony fuit eſtabliſh en Realm d'* Ireland, *et fuit equal al primes, & que l' Engliſh mony ne fuit au quart part melior in value que l' Iriſh, come ceo ad eſtre depuis le temps del* Edw. 4. *Et fuit change in* Ireland *come ceo fuit change in* Engleterre. *Le primer difference & inequality inter les Standards del Engliſh monies, & Iriſh monies eſt troue in* 5 *Ed.* 4. *car donq; fuit declare in Parliament icy que le Noble ſerra currant en ceſt Realm pur* 10*s. & iſſint fuit que l' Iriſh Shilling forſque* 9*d. Dengletre.*

Hovenden *in Rich* 1. *fol.* 377. *b. Videns igitur* Galfridus Eboracenſis *electus, quod niſi mediante pecunia amorem Regis ſui nullatenus habere poſſit,*

poſſit, promiſit ei tria millia Librarum Sterlingorum pro amore ejus habendo. Que fuit devant le temps del Roy John; *pur que ſemble que le temps quant ceſt money fuit primerment coin eſt uncertain. Car aſcuns dient que fuit fait per* Osbright *un Roy de* Saxon *race* 160 *ans devant le* Norman *conqueſt.* Nummus *a* Numa *que fuit le primer Roy que feſoit moneies en* Rome. *Iſſint Sterlings, alias Eſterlings, queux primes feſoient le money de ceſt Standard en* Engleterre.

3. As touching the Allay that is by uſe and cuſtom fitted to that Money which we call the Sterling, or Sterling Allay; perchance we ſhall not find that conſtancy in the Allay as is generally thought.

The Sterling Allay of Gold, according to the Red Book of the Exchequer is this. The Pound weight of Gold conſiſts of twenty four Charats, every Charat weighing half an Ounce of Silver; and every Charat of Gold conſiſts of four Grains, and conſequently every Grain

Grain of Gold weighing thirty of these Grains which we call Silver Grains, whereof hereafter.

In the time of *Edw.* 3. the Pound of Sterling Gold consisted of twenty three Charats, three Grains and a half of pure Gold, and half a Grain of Allay of Copper.

The Sterling Silver, as it seems to me, in former times had an Allay differing from what it is at this day. At this day a Pound weight of Silver (*viz.* 12 Ounces to the Pound, or *Troy* weight) consists of eleven Ounces two Peny-weight of fine Silver, and eighteen Peny-weight of Allay or Copper: every Pound containing twelve Ounces, and every Ounce divided into 20 parts called twenty Peny-weight: For at that time 20 Peny-weight weighed one Ounce, which though the Peny-weight be altered, yet the Denomination continues. And this Allay was in use in the forty sixth year of King *Edw.* 3. and for some time before, and hath continued ever since.

In

In the Treatiſe of Money in the Red Book of the Exchequer which ſeems to be written in the time of *Edw.* 3. for it mentions the Indentures of the Mint in 23 *Ed.* 3. it is ſaid the uſe was then that in every pound weight of Sterling Silver there was ſixteen Peny-weight of Allay: the conſequence whereof is that the Pound of Sterling Silver then contained eleven Ounces four Peny-weight of fine Silver, and ſixteen Peny-weight of Copper.

And it ſhould ſeem by what follows in the Chapter, that in the time of *H.* 2. the Allay of Copper in Sterling Silver was leſs than that: For upon every Pound weight of Silver Money they uſed to allow 12 Peny-weight *ad dealbandam firmam*; which ſeems to be the remedy for the reduction of the Money then currant into fine Silver, *ſed de hoc poſtea.*

But at this day, and for very many reaſons, the Allay of Sterling Silver hath been 18 Peny-weight of Copper allowed to 11 Ounces

2 Pe-

2 Peny-weight of fine Silver; thereby making up the Pound weight Troy of Sterling. *Vid.* Indentures of the Mint, *Clauſ.* 46 *Ed.* 3. *m.* 18. *Dorſ. Clauſ.* 1. *H.* 5. *m.* 35. *Dorſ. Clauſ.* 4. *Ed.* 4. *m.* 20. And this I take at this day to continue the Standard of Sterling Silver.

29 E. 1. *Per ſpecial ordinance del Roy les Pollards & Crockards fueront decrie & adnul, quel ordinance fuit tranſmit in Realm d'* Ireland *& enrol en Exchequer icy, come eſt troue in Libro rubro Scaccarii, ibid. pars* 2. *fol.* 2. *b.*

En temps E. 1. *Denarius Angliæ, qui nominatur Sterlingus, rotundus ſine tonſura, ponderabit triginta & duo grana in medio ſpicæ.*

Sterlingus & Denarius ſont tout un. Le Shilling conſiſtoit de 12 *Sterlings.* 25 E. 3. cap. 6. *Le ſubſtance de ceſt denier ou Sterling Peny al primes fuit viceſima pars unciæ. Et iſſint continue tanq.* 9 E. 3. *quant l' ounce del Silver fuit tallie in* 26 *pence que proportion fuit conti-*

Dy. 6. & 7 Ed. 6.

Raſtal Money. 345.

continue tanq. 2 H. 6. *quant l' ounce del Silver feſoit* 32 *pence, Et ceſt iuſq; al* 5 E. 4. *quant feſoit* 40 *pence. Et ceſt iuſques* 36 *H.* 8. *quant il prepare ſon journy al* Bulloigne *& donq; fuit divide en* 45 *pence. Que continue iuſques al* 2 El. *quant l' ounce de pure Silver fuit tallie en* 60 *pence, & ceſt Standard remain a ceſt jour.* Davies 24.

Et quælibet libra de ſterling avoit 18*d. ob. d' allay de Copper, & nient plus. Et ceſt allay de ſterling Mony les Ordinances ou Statutes de* 25 E. 3. *cap.* 13. *&* 2 H. 6. *cap.* 13. *font mention, & eſt contein en touts Indentures fait enter le Roy & les Maiſters del Mint.*

CHAP.

CHAP. II.

Concerning the Weight of Coin, and the difference therein, with regard to the Denomination of Coin.

THE Pound weight of Gold though it were the same with that of Silver, yet is made up of smaller parts of a different Denomination, every Pound weight consisting of 24 Charats, and every Charat consisting of 4 Grains.

The Pound weight of Silver is subdivided into parts of another Denomination; for every Pound consists of 20 Peny-weights, and every Peny-weight of 24 Grains. This appears by the Books and Records above mentioned. *Et touts ſuſdits moneys dargent iſſint faites ſerront dallay de Standard de veil Eſterling: Ceſt aſcavoir que cheſcun leivre dargent de ceſtes moneys de poize tiendra*

dra vnze ounces & 2d. de poize dargent fine, & 18d. de poys dallay, cheſcun peny weight containant 24 grains.

So that every Charat in the Pound weight of Gold equals half an Ounce of Silver; and every Grain of Gold, the fourth part of a Charat, equals 60 Grains of Silver weight.

In that old Ordinance, before mentioned called *Compoſitio Menſurarum* 51 *H.* 3. it is ſaid, *Per ordinationes totius Regni* Angliæ *ſit una menſura Domini Regis compoſita, viz. quod Denarius* Angliæ, *qui nominatur Sterlingus, rotundus ſine tonſura ponderabit triginta & duo Grana frumenti in medio ſpicæ; & viginti Denarii faciunt Unciam; & duodecim Unciæ faciunt Libram*, &c.

But theſe thirty two Grains in the middle of the ear of Corn, are the natural Grains, which were the weight of the then Engliſh Sterling Peny. But for the better accommodation of Accompts, theſe 32 natural Grains are reduced to 24 artificial Grains, which

which, from very ancient time unto this day are the common measure of the Peny-weight, as the 20 Peny-weight is the measure of an Ounce.

Having thus stated the artificial weights of Gold, and Silver, especially the latter, I shall proceed to the comparison that now and anciciently stands between these artificial weights and the Coin of Silver.

It is very plain that in the latter end of *H.* 3. and the beginning of King *Ed.* 1. and for a long time before, twenty Pence of Sterling Money did weigh an Ounce, and twelve times twenty Pence or twenty Shillings did then weigh a Pound Troy weight: and accordingly as twenty Peny-weight was then an Ounce, and so called, so two hundred forty Pence, or twenty Shillings was a Pound weight, and so called, *viz. Libra Argenti.* And although at this day the Peny and the 20 Shillings of Silver is much altered in their true weight, yet the Denomination is still retained. The Ounce is commonly divided and

esti-

eſtimated by 20 Peny-weight, and 20 Shillings is called *Libra Argenti.*

In the time of King *Edw.* 1. (as appears) an Ounce of Sterling Silver made 20 Sterling Pence, and conſequently a Pound of Sterling Silver made 240 Pence Sterling. But proceſs of time hath made a great alteration between the Weight and extrinſique Denomination or Value of Money.

In 46 *E.* 3. it appears by the Indenture of the Mint that a Pound of Sterling Silver made then 300 Sterling Pence. *Clauſ.* 46. *E.* 3. *m.* 18.

And afterwards in 1 *H.* 5. the reduction of Coin was ſuch that a Pound weight of Sterling Silver made 360 Pence Sterling. *Clauſ.* 1 *H.* 5. *m.* 35. *dorſo.* Which made the Pound weight of Silver to contain 30 Shillings, and deducting 1 Shilling for Coinage, the Merchant had 29 Shillings for his Pound of Silver brought into the Mint.

In the 4th year of *Ed.* 4. the Pound of Sterling Silver yielded 33 Shillings

viz. about 396 Pence in the Pound: and consequently 33 Sterling Pence then made the Ounce of Silver. *Clauſ.* 4. *E.* 4. *m.* 20.

At this day the Ounce of Silver coined contains 5 Shillings, or 60 Pence: and consequently the Pound weight of coined Silver yields 60 Sterlings or 720 pence. So that at this day the extrinſecal Denomination or Value of Money in proportion to its Weight, is three times higher than it was in the time of *E.* 1. And thus much ſhall ſuffice touching the ſecond enquiry.

CHAP.

CHAP. III.

Touching the Corruptions of Money, and the remedies anciently uſed in relation thereunto.

BY what hath been before ſaid it appeareth, the two ſpecial requiſites of the currant Coin of this Kingdom are,

I. That it be of the true Standard in relation to its weight.

II. Of the true Standard with relation to its Allay: and proportionably to theſe two requiſites are theſe defects, which have hapned in Moneys in modern and ancient times, *viz.*

I. The defect in the due weight of Money which hapned ſometimes by counterfeiting the Sterling Money, though with a weight below the Standard. Sometimes by clipping, or otherwiſe im-

pairing the weight of true Money.

2. The defect in the due Allay: *viz.* overcharging the fine Silver or Gold with an Allay of Copper more than the Standard, which hapned ſometimes by the deceit or ignorance of the officers of the Mint, and ſometimes by the counterfeiture of the Coin of *England.*

And by theſe practices the King's Exchequer (into or through which the moſt of the Money of the Kingdom ſucceſſively came) was many times ſurcharged with ſuch defective Money, and the King thereby deceived in his Firmes.

And therefore in ancient times there were ſucceſſive experiments made by the officers of the King's revenue for the diſcovery and avoiding of theſe defective Monies and that his Rents might be anſwered in Money of a juſt weight and Allay; which, for the better underſtanding of ancient Records, remain here to be explicated, *viz. Solutio ad Scalam, Solutio ad Penſum,* and Combuſtion, or tryal by fire.

fire. The two former being ſuch Remedies as related to defective Weight, and the latter being the Remedy that relates to defect in the Standard of Allay. And, touching this buſineſs, although we have very frequent mention of them, in the Pipe-rolls eſpecially, yet the beſt, and contemporary expoſition of them is *Gervaſius Tilburienſis*, or the black Book of the Exchequer, written in the time of *H.* 2. who gives us the accompt thereof in his firſt Book, *Cap. A quibus, & ad quid inventa fuit Argenti examinatio*, who thus expounds it.

1. *Solutio ad Scalam*, viz. *præter quamlibet Libram numeratam ſex Denarios*, which it ſeems was agreed upon a *medium* to be the common eſtimate or Remedy for the defective Weight of Money, thereby to avoid the trouble of weighing the Money which was brought into the Exchequer. And this is the meaning of that frequent expreſſion in the ancient Pipe-rolls *In Theſauro* 100*l. ad Scalam*, which

ſeems to be one hundred Pounds, and one hundred Sixpences, or fifty Shillings.

2. *Solutio ad Penſum*: which was the payment of Money into the Exchequer by full weight, *viz.* that a Pound, or 20*s.* in Silver, *numero*, or by tale, ſhould not be received for a Pound unleſs it did exactly weigh a Pound weight Troy, or twelve Ounces, and if it wanted any, that then the Payer ſhould make good the weight by adding other Money although it amounted to more or leſs than 6*d.* in the Pound (which was the *Solutio ad Scalam*, as before is mentioned.) And thus frequently occurs in the Pipe-rolls, *In Theſauro* 100*l. and penſum*, or full weight.

3. Combuſtion or tryal by fire: which is by *Gervaſe* ſuppoſed to be ſet on foot by the Biſhop of *Salisbury*, then Treaſurer, (though in truth it were much more ancient, as appears by frequent paſſages in the Book of Doomsday:) and the Author gives the reaſon: *Licet enim numero & pondere videretur eſſe ſatisfactum,*

tisfactum, non tamen materia. Conſequens enim non erat ut ſi pro Libra una numerata 20 Solidos, etiam Libra ponderis reſpondentis conſequenter Libram ſolviſſet: Argentum enim Cupro vel quovis Ære ſolviſſet. And thereupon enſued the conſtitution of examination of Money at the Exchequer by Combuſtion. Whether this examination was to reduce an equation of Money onely to Sterling, *viz.* a due proportion of Allay with Copper; or to reduce it to fine and pure Silver, and to make the eſtimate of the Pound or *Libra Argenti*, reſerved of their Firmes to be in pure Silver, and without Allay, doth not ſo clearly appear. Some think the former; and therefore that the old expreſſion of *Firma alba*, blank Firm, and *dealbare Firmam*, was nothing elſe but Coin melted down and reduced to the Allay of Sterling, and after blanched, or whited, as is done by the Moneyers with their Sterling Coin of Silver, which is to this day called blanching. *Vid.* Spelman *in tit.*

tit. Firmam dealbare. But yet it may seem, by what ensues, that it was to reduce it to fine Silver, and to the estimate of the Pound, or *Libra Argenti* accordingly; for it is evident by what follows, that the difference between a Pound, or *Libra Argenti numero*, and *Libra Argenti blanch*, was 12 Pence in every Pound: which possibly might be that the allowed Allay of Copper in the Sterling Silver was then twelve Pence weight of Copper in the Pound of fine Silver, whereas it is now 18 Peny-weight in the Pound. This tryal of Silver by Combustion, in those elder ages soon prevailed and obtained against the former reductions *ad Scalam*, & *ad Pensum*, as being the onely infallible tryal of the truth of the Metal, whereby the former reductions of *Pensum* and *Scalam* became in time antiquated.

And this begat the distinction in the old Rolls of the estimate of Money *Numero*, and the estimate *Blanc*: and in pursuance thereto the reservations

vations of Rents and Firmes by the King were ſometimes *Numero*, and ſometimes *Blanc*.

The reſervations of Rents *numero* were no other but ſo much Money reſerved *in Pecuniis numeratis*: as *reddendo quinque Libras numero* was fiveſcore Shillings, which amounted in common eſtimation to five Pounds Troy weight: And this was the ancient and uſual reſervation, and, *prima facie*, unleſs the contrary were expreſſed, upon all Grants of Lands (reſerving ſo much Rent) it was intended *numero*; that is, ſo much in Money numbred, and the Firmor was not bound *dealbare Firmam*, or to make good ſo much in fine Silver, or, if you will, in ſuch ſilver as was of the firſt Allay.

The reſervation of ſo much Money, or ſo many Pounds *blanc* did enforce the Firmor to make good to the King ſo much in fine Silver, (or at leaſt in the pureſt Sterling) and therefore ſuch Firmor, when he paid in his Firme upon ſuch a reſervation

vation *blanc*, was bound *dealbare Firmam*, which was to ſubmit his Money to the teſt of the fire; and to anſwer his Money, and make it good in fine Silver according to the reſervation, or to pay in allowance thereof that rate which was the ordinary meaſure of reduction of it to fine Silver, which was 12 *d.* for every Pound as ſhall be ſhewed.

And hereupon grew the common difference which is everywhere mentioned in the Pipe-rolls of Firmes *numero*, and Firmes *blanc* or *alb.* Firme.

This difference of theſe Firmes is expounded by the Black Book of the Exchequer, *Lib.* 2. *Cap. Quid ſit quoſdam fundos dari* blanc, *quoſdam numero, viz.* that if a Firme or Tenement were let by the King generally, without expreſſing *blanc* or *numero*, it was to be anſwered onely *numero*, unleſs ſpecially reſerved *blanc*, (*viz.* 5*s. blanc.*) But if a Royalty or Franchiſe were onely granted, then the general reſervation of ſo much Rent, was to be *blanc*

Rent.

Rent. *Porro, Firmam numero dari diximus cum tantum numerando, non examinando ipſo ſatisfit. Cum ergo Rex Firmam alicui contulerit, ſimul cum Hundredo vel placito quæ ex hoc proveniunt, Firma dealbari dicitur: ſin ſimpliciter fundum dederit (non determinans cum Hundredo vel* blanc.*) numero datus dicitur.* And from this diverſity of the Rents ariſing in any County (ſome *blanc* onely, ſome *numero* onely, ſome in both) aroſe the diverſity in the titling of the Sheriffs Accompts, *viz.*

Firma de remanente Comitatus poſt terras datas blanc: which was applicable to thoſe Rents of his County, which were anſwered in fine Silver reduced to the teſt by combuſtion, or with an allowance of 12*d.* in the Pound in compenſation of it.

Firma Comitatus numero, was his Firme for thoſe Rents of his County which were onely anſwered in Money numbred, without reducing them to their fineneſs by Combuſtion, or any ſatisfaction for it

it: But of this more fully in the enſuing Chapter.

I have before mentioned that when any Firme was reſerved or anſwered *blanc*, the Money was to be melted and anſwered in fine Silver, or at leaſt to Silver allayed to right and fineſt Sterling; or elſe he was to redeem himſelf from that trouble by payment of 12*d.* in the Pound: So that that Perſon upon whom there was reſerved 5*l. blanc* was to pay 5*l.* 5*s.* if he would not have his Money melted down and made good in fine Silver (or at leaſt in true Sterling.) And this appears to be true by infinite Records: Take two or three for inſtance.

In compoto cum Northampton, 21 H. 3. *Summa totalis* 102l. 3s. 7d. *de qua* 4l. 9s. 4d. blanc, *quæ ſunt extenſæ ad* 4l. 13s. 9d. *ſubtrahuntur ad perficiendum corpus Comitatus & remanet* 97l. 13s. 10d. *de quibus reſpondet de proficuo in magno Rotulo.*

Clauſ. 13. H. 3. *m.* 2. *Sciatis quod perdonavimus dilectæ Sorori noſtræ* A. *Comitiſſæ* Pembroc *centum triginta*

ginta & quinque Libras blanc, *quæ extenſæ ſunt ad centum quadraginta & unum Libras, & quindecim Solidos.*

In Compoto Bedf. & Bucks, 13 *E.* 3 Nic. Paſſelew *de* 18*l.* 4*s.* 4*d. numero pro* 17*l.* 7*s. blanc.*

In all theſe the proportion riſeth very near, bating the ſmall fragments in Pence, that every Pound *blanc* anſwered one Shilling over, to reduce it to its value.

And hence it is that at this day the ancient Firmors of Cities, as *London, &c.* which were commonly reſerved *blanc*, do pay the ſame in Sterling Money, and one Shilling for every pound over: As if 100*l. blanc* be reſerved, there is anſwered at this day in the Receipt 105*l.* which, as before, makes me ſuppoſe that *blanc* Firme, or *dealbata Firma*, was in truth when it was reduced to fine Silver, and not barely Sterling: for this advance of 12*d.* in the Pound upon ſuch *blanc* Firmes is ſtill anſwered though paid in Sterling.

CHAP.

CHAP. IV.

Concerning the manner of anſwering the King's Firmes anciently.

IN ancient times, *viz.* about the time of *William* the firſt and *Henry* the ſecond, the reſervation of the King's Firmes and Rents were ſo many Pounds or Shillings, *&c.* in Money, and they were anſwered *numero*, or *in Pecuniis numeratis*, untill afterward for the avoiding of corrupt Money, they were reſerved in *blanc* or white Money, which, as before is obſerved, was intended either of pure Silver, (or at leaſt Silver reduced to the Allay of Sterling) and then whitened or blanched, as is uſed in the Mint to this day, for all Sterling Money: I ſhall not much contend whether it were the one or the other, but for the moſt part in this Diſcourſe I ſhall ſuppoſe it fine Silver.

But

But although Firmes were reſerved in Money, as the beſt and commoneſt meaſures of values, yet it appears by *Tilburienſis*, *Lib.* 1. *Cap. A quibus & ad quid inſtituta fuit Argenti examinatio*; that it was in thoſe ancient times of King *W.* 2. and *H.*1. uſually practiſed that thoſe Firmes ſhould, according to their values be anſwered in Cattle, Corn and other proviſions; which perchance in its firſt inſtitution might be a convenience to the King, to have his Family furniſhed with proviſions *in ſpecie*, and to the Country, among whom Money was not then very plentifull, and they could better anſwer their Rents in Proviſions.

And to the end that an equation might be made between the Rents reſerved in Money and the Proviſion delivered by the Tenants in lieu thereof, the ſame *Tilburienſis* tells us, there were certain prices and rates ſet upon proviſions, that the Tenant might know what to pay, and the King's Officers might know what to receive. As for Wheat for

100 men 12*d.* for a fat Ox 12*d.* &c. which it seems were dilivered to the hands of the Sheriff who, if he firmed the County, might retain it to his own use; but if he firmed it not he accompted to the King, for these Provisions or their values, as he did for other rates of the County collected by him.

But as for Cities and Franchises that were granted out to Firme, because they had not Provisions of this nature to answer, they paid their Rents in Money.

Thus, it seems, the King's Firmes of Rents of his Firmors and Tenants in the Country were answered in the time of King *William* the first and *William* his son. But in the time of *H.* 1. the Tenants were weary of answering their Rents in provisions, and the King's foreign occasions called rather for a supply of Money, and so the Rents were answered by the Tenants as formerly in Money according to the tenour of their reservations, and the delivery of Victual and other Provisions in lieu thereof ceased.

CHAP.

CHAP. V.

Concerning the manner of collecting the King's Revenues of the County, and the ſeveral kinds of them with their ſeveral Titles.

THE Sheriff of the County had a double Office: 1. As a Miniſter of Juſtice under the King for the preſervation of Peace, and Writs iſſuing from the King's Courts. 2. As the King's Bayliff of his Revenues ariſing in the County, which was of two kinds.

1. The improving and letting, and ſometimes ſtocking of the King's Demeſnes, and ſuch Lands as were ſeized into the King's hands (other than ſuch as belonged to the Eſcheator, as Wardſhips and Eſcheats.) And hence it is that there are upon the accompts, eſpecially of *Bucking-*

ham and *Bedford*, allowances made to the Sheriff of that County *ut*..... *Comitatus*.

2. The ſecond part of his Office was in collecting of the King's Rents of his County, which ſometimes he did as *Cuſtos* or Bayly; ſometimes *ut Firmarius*, *viz.* he took the Rents to his own uſe, and anſwered the King a certain Firme or Rent at his own peril, whereof more in the enſuing Diſcourſe. Now concerning the kinds of the King's Revenues ariſing in the ſeveral Counties, we are to take notice that they were of two kinds, *viz.* Annual or Caſual.

The Annual Revenue was again of two kinds, *viz.* Fixed and Certain, or Caſual and Uncertain.

The Annual, Fixed and Certain Revenue of the Counties were of theſe kinds.

1. The King's Demeſnes that were in his own hands, or let at Rack rents to Tenants, whereof I have before ſpoken, and they make not

not much for that purpoſe I aim at.

2. Firmes, which were of two kinds, *viz.* Groſs Firmes which were charged upon particular perſons, or Cities, or Towns, and ſo charged in the great Roll; as thus, *Philippus d'Aura debet 2 Marc. de reditu unius virgate terre.* And theſe were thus charged upon theſe two reaſons: 1. Either becauſe they were never parcel of the Sheriffs Firme of this County, *(de quo infra,)* but great Firmes written out to the Sheriff to be anſwered by the perſons upon whom they were charged. 2. Or elſe they were ſuch as happened to be reſerved after the Firme of the County was reduced to certainty and anſwered by the Sheriffs. Or elſe, Secondly, they were ſmall rents commonly called Vicontiel Rents; the Particulars whereof we ſhall enumerate under their ſeveral heads in due time.

3 Common Fines, at firſt impoſed upon Townſhips, upon ſeveral occaſions, as for *Bon pleder*, for Suit and Ward, for excuſe of attending

the Sheriffs turn: and these grew in process of time to be fixed and setled Revenues. And these again were of two Sorts; such as came within the Title of *Firma Comitatus*, and were written out under that general head, *viz. sub nomine Vicecomitis:* And some again were written to the Sheriff in the particular charge of such and such Townships and Lands, and so charged upon the Towns by the express words of the process.

4. Arrentations of Assarts and Purprestures in Wasts and Forests set by Justices in *Eyre*, which for the most part were written out in charge against the particular Lands upon which they were charged: and some perchance were demanded in a gross Summ, among other small Rents *sub nomine Vicecomitis.*

5. *Crementum Comitatus*, or *Firma de cremento Comitatus*; which were some improvements of the King's Rents above the ancient Vicontiel Rents, for which the Sheriff answered under the title of *Firma Comi-*

Comitatus. And this *Crementum Comitatus* or the ſeveral ſmall advances of the old Vicontiel Rents, were anſwered under the title of *Crementum Comitatus*, or *Firma de cremento Comitatus.* But thoſe kinds of Firmes *de cremento* are onely found in the Counties of *Bedford, Bucks, Norfolk, Suffolk, Warwick, Leiceſter, Wigorn* and *Glouceſter:* Certain other Summs annually charged in groſs upon the Sheriff for certain other ſmall or minute Rents under ſeveral titles in ſeveral Counties; as, *De Cornagio, de Wardis, Caſtle de Firma, Purpreſt & Eſcaet de diverſis Firmis, de minutis particulis, Serjancia de tr̃is aſſert infra divers foreſt:* all which were charged in groſs Summs upon the Sheriff, and *ſub nomine Vic.* without expreſſing any particulars, or upon whom they were charged, which becauſe they were not common to all Countries, but varied according to the various uſage of ſeveral Counties, I ſhall not at large handle, but ſhall content my ſelf with the enquiry

quiry into those that were the common charges of the Sheriffs of every several County, *viz.* the *Corpus Comitatus*, and the *Proficua Comitatus*.

The Vicontiel Rents that made up the Sheriffs Firme of the Body of the County, came under various Titles and Denominations in several Counties, *viz.*

1. *Reditus Assize in* Cumberland, Hertford, Surry.
2. *Firme & feodi Firme in* Cumberland, Northumberland, Nottingham, Stafford.
3. *Firma antiqua in* Huntington.
4. *Albe Firme in* Norf. & Suff.
5. *Blanch Firmes in* Ebor', & Suff.
6. *Blanc Rents in* Kent.
7. *Albus Cervus in* Dorset.
8. *Auxilium Vicecom' in* Cant', Cumbr', Essex, Hunt', Leic', North', Sussex, Warw', Wilts.
9. *Auxilium ad Turcum Vicecom' in* Devon.
10. *Hidage in* Berks, Bedf. Bucks, Oxon.

11. *Presta-*

11. *Preſtatio pro pulchre placitando in* Bedſ', Bucks.
12. *Secta & Warda in* Bedſ', Bucks.
13. *Viſus Franci plegii in* Bedſ', Bucks, Cant', Hunt', Eſſex, Hertford, North'ton, Somerſet, South'ton, Stafford.
14. *Certitudines in* Berks, Hereſ', Rutland.
15. *Certi' reditus in* Lincoln, Leiceſter, Somerſet, South'ton, Warwick & Wilts.
16. *Certi reditus ad communem finem in* Derby, Nottingham.
17. *Reditus pro Warda Caſtri in* Cant', Northum', Oxon, Norſ', & Suff'.
18. *Reditus ad Turnum Hundredi in* Dorſet.
19. *Finis antiquus in* Eſſex.
20. *Finis pro ſecta Curie relaxand' in* Berks & Oxon.
21. *Communes fines in* Glouc', Hereſ', Hertf', Surry, Suffolc, Salop.
22. *Fines Aldermannorum in* Suſſex.

23. *Turnum Vicecom' in* Eſſex & Hertf'.
24. *Setta Burg. & Vill. in* Cant'.
25. *Suit Silver in* Staff'.
26. *Hundred Silver in* Norf'.
27. *Faith Silver in* Staff'.
28. *Pannel Silver in* Norf'.
29. *Ward Silver in* Eſſex.
30. *Certum lete cum Capitag' in* Norf'.
31. *Leet fee in* Suff'.
32. *Soken fees in* Suff'.
33. *Mott fee in* Salop.

Theſe are the general Titles of thoſe Vicontiel Rents that uſually came under the Title of *Firma Comitatus*, which were written generally *ſub Nomine Vicecom'*, without expreſſions of the particulars: But the Sheriff that had a particular Roll of theſe Vicontiel Rents, delivered in that Roll many times upon his Accompts, though not written eſpecially in charge under thoſe names, or in particular by the Summons of the Pipe: And thus much concerning the certain Annual Revenue.

2. The

2. The uncertain Annual Revenue was the *Proficuum Comitatus*, which in ancient times when moſt of the Law-ſuits were tranſacted in the Counties and Hundred-Court, was a conſiderable Revenue. But ſince that time, *viz.* about the beginning of *E.* 1. when much of that buſineſs was tranſacted at the great Courts, this profit of the County ſunk to very little. And in my enquiry touching this part of the Revenue, I ſhall Firſt ſet down what it was not: Secondly, I ſhall ſet down what it was, and how it did ariſe.

1. Touching the former of theſe what it was not; I ſay, moſt clearly it was not that profit which is now the onely conſiderable profit of the Sheriffs employments, *viz.* the Fees and Perquiſites for the execution of Writs, and Proceſs and Execution iſſuing out of the King's Courts. For,

1. Untill the Stat. of 23 *H.*6.*c.*10. there were no Fees at all by Law due for any execution of Proceſs or Warrants

Warrants for the ſame. Till the Stat. of 29 *El.* 2. there were no Fees allowed by Law for levying of Debts or Damages: But by the expreſs proviſion of the Stat. of *Weſtminſter* the firſt, the Sheriff was bound to execute the King's Proceſs without any Fee, which is no other but a declaration of the Common Law.

2. In no Viſcontil Schedule or Accompt of the County that ever I could ſee or hear of, is there any Accompt for Fees for execution of Proceſs, or any mention thereof.

3. If the Sheriff did in thoſe elder times take any Fees for execution of Writs, there was no colour of reaſon that he ſhould accompt for that: and if he did take more than a reaſonable recompence for his pains, it was more than could be juſtified, and not at all due to the King.

II. But now, as to the Second enquiry, what this *Proficuum Comitatus* was: And it ſeems very plain that it was made up principally by theſe

theſe particulars, as moſt evidently appears by divers accompts of Sheriffs in ancient times, when they accompted *ut Cuſtodes* or *Ballivi*, not *ut Firmarii*, *viz.*

1. The Fines, Iſſues and Amercements, and other Profits of the County-Courts, which in thoſe ancient times were very conſiderable, for it held Plea in all Writs that were Vicontiel, directed immediately to the Sheriff out of the Chancery, *viz.* by Juſtices; and many times not onely perſonal Suits were removed thither out of inferiour Court-Barons and Hundred-Courts, but alſo Pleas Real, *viz.* Writs of Right; and in ancient time many real Actions, eſpecially Writs of Right were determined in the County. And therefore it is frequent in the old Schedules of *Proficua Comitatus*, eſpecially in *Yorkſhire* in the times of *R.* 1. and King *John*, ſuch as theſe, *viz.* *De* J. S. *pro licentia concordandi demimark.* *De* J. S. *pro Warrantia Eſſonii* 2*s.* and ſometimes a Mark *pro mi'a Comitatus*, ſometimes

times 10s. *quia retraxit se, Demimark. De pretio bonorum per distringas demimark. Pro transgressione* 2s. *Pro falso clamore demimark*, &c.

So that it appears in the accompt of 20 *Johannis Regis*, the profits of the bare County-Court of *York* for one half year amounted to 31 *li.* which is more than 100*l.* in a just estimate at this day.

2. The Profits of the Sheriffs Turns, or the Sheriffs Leets, which had Conusance of matter Criminal, as his County-Court was for matters Civil: and the Profit consisted,

1. In Amercements of Sutors that made default.

2. In the Fines and Amercements of such as were convict of offences inquirable in the turn; as Nusances, Bloudshed, Assize of Bread and Beer, &c. and these arose usually to a considerable Summ yearly.

3. The Profits of the Hundred-Courts and Wappentake-Courts; the Profits whereof consisted in the Fines, Amercements and other Perqui-

Perquiſites of the Hundred-Court, which the Sheriff ſometimes took in kind; ſometimes he let it to Firme. Theſe Baylywicks of theſe Hundreds, and with them the Profits and Perquiſites of Courts were ſometimes let to Firme by the King, and in ſuch caſes the Sheriff accompted *Proficua Ballivatus*, which oftentimes aroſe to very conſiderable Summs. In the time of *H.* 3. the Firmes of the Baylywicks of the Hundreds in *Torkſhire*, beſide *Stancliff* and *Strafford*, were let for 100*l.* 6*s.* 8*d. per annum*, which was then a conſiderable Summ, and amounts now in Sterling Money to thrice as much. But as the buſineſs and juriſdiction of the Hundred-Courts ſunk gradually in their employment, (whereby the Perquiſites now do but little ſurmount the charge of keeping them) ſo now by the Stat. of 23 *H.* 6. *cap.* 10. the Sheriff is reſtrained from letting the Baylywick to Firme; and moſt of the Hundreds, at leaſt in many Counties, are disjoined from the County and

and granted out, ſome in Fee-farm, and ſome otherwiſe, though there have been frequent attempts of re-joining them to the Sheriffs by acts of Reſumption.

And theſe are the Profits that made up the *Proficuum Comitatus*, for which the Sheriff moſt commonly in ancient time anſwered as *Firmarius* at a certain Rent, though ſometimes he accompted for it as *Cuſtos* or *Ballivus* as ſhall be ſhewn. And I know no other Perquiſite that made up the *Proficuum Comitatus* but what is above mentioned; onely in *Northumberland* there were ſome Caſtle gard-Rents that were in truth Vicontiel Rents, and in their propriety and nature belonged to the *Corpus Comitatus*, which yet by conſtant uſage were uſually anſwered among the *Proficua Comitatus*. And thus far concerning the annual Revenue of the County, both Certain and Uncertain, chargeable upon the Sheriffs collection.

2. The Revenue Caſual conſiſted of many Particles under various Heads

Heads or Titles, *viz.* Debts drawn into the Pipe, and thence written out unto the Sheriff. Fines voluntary or compulsary. Seisures of Lands and Compositions, *&c.* they may be reduced under these three Heads at this day.

1. The Debts written out to the Sheriff from the several Offices, *viz.* the two Remembrancers, Clerk of the Pipe, *&c.*

2. The Summons of the Green Wax, written to the Sheriff with the Estreats from the Treasurer's Remembrancers.

3. The foreign Accompt, or Seisures of Lands for Debts or Forfeitures.

As touching escheated Lands and Wardships they came under the Escheator's charge, and the Profits thereof rarely answered by the Sheriff, unless for some few ancient Escheats.

CHAP.

CHAP. VI.

Concerning the manner how the Annual Revenue of the County was uſually anſwered in the ancient times untill 10 E. 1.

HAving ſhewed what the Annual Profits of the County conſiſted of, I ſhall now deſcend to the manner how it was anciently anſwered. The Sheriff, as hath been ſhewn was the King's Bayly for the collecting of the King's Revenue: And touching the manner of his collecting and anſwering them, and therein principally concerning thoſe two great parts of the Annual Revenue, *viz.* the *Corpus Comitatus*, or when it was in Firme, the *Firma corporis Comitatus*: And the *Proficuum Comitatus*, and when it was in Firme, the *Firma de proficuo Comitatus*; both which ſhall be hereafter

hereafter more fully explained.

Theſe Profits were anciently, and are to this day, anſwered at two Terms in the year, *viz.* Michaelmas and Eaſter.

But to enable the more effectual levying of them, there always iſſued to the Sheriff before Eaſter and Michaelmas, out of the Exchequer a Writ called the Summons of the Pipe, which had annexed to it the charge or Summs for which the Sheriff was anſwerable, *viz.* thoſe which were charged upon himſelf *ſub nomine Vicecomitis*, and thoſe which are charged upon others. The Form of the Writ is recorded in the black Book of the Exchequer, *Lib.* 2. *cap. Qualiter fient Summonitiones*; which continue to this day, *viz.* *Rex Vic'* Ebor' *Salutem. Vide ſicut teipſum & omnia tua diligas quod ſis ad Scaccarium noſtrum* Weſtm' *in Cro' Sancti* Michaelis, *vel in Cro' Clauſi* Paſchæ, *& habeas ibi quicquid debes de vetere firma vel nova: Et nominatim hæc debita ſubſcripta.* And then the whole charge is inſerted which

monly began with these annual Revenues, *viz.*

De Corpore Comitatus
(or if it were in Firme)
De Firma de Corpore Com. 100 bl.
De Numero Comitatus 10
De Proficuo Comitatus
(or if in Firme)
De Firma de proficuo Com. 50

And then the Summ in gross charged upon the Sheriff for divers small Rents, and then afterwards all those Firmes that were charged upon particular persons *seriatim* and in order.

And according to the order wherein they were written out to the Sheriff, accordingly in effect were the Accompts passed, and the Entries made thereof in the great Roll of the Pipe, onely the particulars in the Writ was their charge of the Sheriff, unto which he was to give his answer upon his Accompt, and then there are entred his discharges.

And

And this Firme continues there to this day, with ſuch alterations as are hereafter mentioned: and therefore the Ordinance or Statute *in Libro Rubro Scaccarii, fol.* 242. made in 54 *H.* 3. is nothing elſe but the ſtable and fixed method for writing the great Roll, obſerved both before and ſince that day.

Primò, Scribatur Corpus Comitatus, deinde Eleemoſyne conſtitute, & Liberationes & Bri'a priſci Vicecom' ſicut ſemper fuit conſuetum. Deinde oneretur Vic' de Firmis pro proficuo Comitatus vel de proficuis: Deinde ſcribantur omnes Firme tam majores quam minores, &c.

And although the certain *Debet* of the Sheriff could not be known before the finiſhing of his Accompt, becauſe it could not be known what he levied, and what not; and what he had paid, and what not; (which Accompt was not untill the end of his year) yet it ſeems there was anciently an eſtimate what this conſtant charge of the annual Revenue amounted unto, and what the con-

ſtant allowances amounted unto, according to a *medium*, or poſſibly according to thoſe Firmes and groſs Summs which were charged immediately upon the Sheriff *ſub nomine Vicecomitis*; and theſe Summs were paid into the Exchequer at the return of the Writ of Summons of the Pipe, and they were, and are to this day called *Profre Vicecom'*, or the Sheriffs Proffers. And by the Statute of 51 *H.* 3. called *Statutum de Scaccario*, thoſe proffers are appointed to be paid on the morrow of St. *Michael*, and the morrow *poſt Clauſum Paſchæ*; and the payment of theſe proffers are continued to this day: But although they are paid, yet if upon the concluſion of the Sheriffs Accompt, and after the allowances and diſcharges had by him, it appears that he be in ſurpluſage, or that he is charged with more than indeed he could receive, he hath ſometimes, and for the moſt part, all his proffers paid or allowed to him again: and ſo indeed it is but a mock-payment, a payment

kept

kept on foot to maintain the old method of his Accompt, but is in effect but ſo much Money lent, for he hath it (and juſtly enough) allowed to him back again: the reaſon and juſtice whereof ſhall be ſhewn hereafter. And now to return again from whence we digreſſed, I ſhall now ſearch out the meaning of theſe Firmes, *Corpus Comitatus bl.* and *Numerus Comitatus*, and *Firma de Corpore Comitatus*, and *Proficua Comitatus*, and *Firma de proficuo Comitatus*, I mean as they relate to the Sheriffs Accompt for what the things were is ſufficiently diſcovered before.

Therefore as to the *Corpus Comitatus*, I have already ſhewn in the precedent Chapter, what it conſiſted of, *viz.* the Vicontiel Rents of the County; and they conſiſted of two ſorts of payment, *viz.* thoſe that were anſwered in *blanch* Money, and thoſe that were anſwered in Money numbred. And this ordinarily made two titles of the *Cor-*

pus Comitatus in most Counties, *viz.* where there were Firmes of these differing natures, and they are then thus noted, *viz.*

De Corpore Comitatus	100*l.* bl.
De Numero Comitatus	50

And they were written out thus generally, without expressing the several Vicontiel Rents, but onely the gross Summs what they amounted to *blanc*, and what they amounted to *numero*, or *de numero Comitatus*. And the Sheriff upon his Accompt was used to bring in a Vicontiel Roll, containing these particular Vicontiel Rents, what they were and what he had levied.

By this it appears that in the first constitution of this Vicontiel Accompt the Sheriff accompted for these Rents as Bayly or *Custos*, and answered what he levied though they were written out, and stood upon the great Roll all in a lump, and when the Sheriff accompted thus, he accompted as *Custos* or Bayly.

But

But in proceſs of time (but that time very ancient) the Sheriff for the time being took the *Corpus Comitatus* or Vicontiel Rents to Firme, which Firme for the moſt part amounted to very near the entire quantity of the Vicontiel Rents. And this Firme in many Counties was very ancient, for we find them mentioned in the Pipe-rolls of the time of King *John* and *R.* 1.

And by this means the Sheriff was to anſwer at his peril his Firme, for it became his own debt, and he was to gather up the Vicontiel Rents to his own uſe to make himſelf a Saver.

The Sheriffs Commiſſion hereupon was with the reſervation of the Firme, and although we have not memorials of all thoſe reſervations, yet of ſome we have.

Inter Communia of 19 *E.* 1. Bedf. Bucks, *Rex* 16. *Jan. Anno* 19. *Commiſit* Will. Turvil *Com'* Bedf. & Bucks *cum pertinent' cuſtodiend' quamdiu Regi placuerit reddendo inde per annum quantum* Johannes Pa-

lam *nuper Vicecomes eorundem reddere consuevit.*

And by little and little this grew into a usage, the succeeding Sheriff answering the Firme of the County, and of the Profits of the County as his predecessor had done: whereby the *Firma Comitatus* and the *Firma de proficuis Comitatus* became as setled Firmes charged upon the Sheriff though there were no expres reservation of it upon his patent or Commission of Sheriff.

And because these Firmes were in their first reservation proportioned to the value and nature of those Rents, which now the Sheriff had, as before the King had them, *in specie*; hence the Sheriffs Firme of the County or Body of the County as it was proportionable to the same, answered for the Vicontiel Rents; so it was proportioned to their nature, *viz.* because some of the Vicontiel Rents were in *blanc* Money, the Sheriffs Firme corresponding to that was answered in *blanc* Money: and some of those rents being answered

ſwered *numero*, the Sheriffs Firme correſponding thereto was anſwered *numero*.

And by this Accompt the charge both upon the Summons of the Pipe and upon the great Roll was altered *viz.* whereas the former Style of the charge was *De corpore Comitatus blanc & numero*, now it was changed, *viz.*

De Firma de corpore Com' 100*l.* bl.
De numero Comitatus 40

Ad thus the manner of the charge ſtood for the times of *H.* 3. and *E.* 1. and for ſome time before, at leaſt in ſome Counties: and ſo it continues to this day with ſuch alterations as ſhall be ſhewn.

And as the *Corpus Comitatus* thus by uſage grew a Firme, or Rent charged upon the Sheriff, ſo alſo did the *Crementum Comitatus*, in thoſe Counties where ſuch *Crementa* was anſwered, *viz.*

De

De Firma Comitatus 100*l*.
De numero Comitatus 40
De Cremento Comitatus 10

All being governed by the word *Firma*: For, as I have said, a long letting of these Vicontiels to Firme, had brought them to be a setled charge, charged upon, and answered by the Sheriff; and he gathered up the Vicontiels to his own use, to make himself a Saver, and to make good his Firme. And thus much concerning the answering and altering of the charges of the Vicontiels, or the *Corpus Comitatus* both before and after it was in Firme.

2. As concerning the *Proficuum Comitatus*, the proceeding was much the same as that concerning the *Corpus Comitatus*.

In the ancienter times, when the *Proficua Comitatus* was at all answered by the Sheriff, it was answered by him, as *Custos* or Bayly upon Accompt

Accompt: Though in ſome ancient Pipe-rolls, for ſome Counties we find no diſtinct mention of it; as in the Pipe-roll of 19 *R.* 1. *Glouc.* Herbertus *reddit compotum de* 372*l.* 14*s.* 6*d.* bl. *de Firma Comitatus.* The like, *ibid.* 13 Johannis. But very frequently afterwards the Sheriffs, when they had the *Corpus Comitatus*, or the Certain Annual Revenues under a Firme, yet anſwered the *Proficua Comitatus* as *Cuſtos* or Bayly: for inſtance, *Pipe-roll* 9 *R.* 1. Bedf. & Bucks, Simon *de Bello campo reddit compotum de* 369*l.* 19*s.* 11*d.* bl. *Et de* 79*l.* 8*s.* 1*d. numero, de Firma Comita'*, without mentioning the *Proficua Comitatus.*

But in the Pipe-roll 25 *H.* 3. Bedf. & Bucks, Paulinus Pejor, *ut Firmarius reddit compotum de* 369*l.* 19*s.* 11*d.* bl. & *de* 108*l. numero de Firma Comitatuum.*

Idem Vicecomes reddit compotum de 100 *marc' pro proficuo Comitat.*

And *Anno* 44 H. 3. Alexander Hampden, *ut Firmarius reddit compotum de* 369*l.* 19*s.* 11*d.* bl. & *de* 108*l.*

108*l. numero, de Firma Comitatuum.*

Idem A. *reddit compotum de 220 marc' pro proficuo Comitat' ficut continetur in originali.*

And in 51 H. 3. Galfridus Rus *ut Firmarius de anno 50 reddit compotum de 369l. 19s. 11d.* bl. *& de 108l numero de Firma Comitat'.*

Idem Galfridus *reddit compotum de 180 marc' pro proficuo Comitatus de anno 50. ficut continetur in quodam Rotulo attachiato originali ejusdem anni.*

And in the year following, Edvardus *filius Regis primogenitus*, Barthol. *de Ireue Subvicecomes ejus reddit pro eo per breve Regis, compotum de 369l. 19s. 11d.* bl. *& 108l. numero de Firma Comitatus hoc anno.*

Idem E. *Vic' non reddit de aliquo proficuo Comitat' quia Rex ei commisit dictos Comitatus respond' inde per annum de antiqua Firma corporis, ficut continetur in originali anni precedentis.*

And so in the great Roll of 50 *H.* 3. Glouc. Reginaldus *de Ale de 372l. 14s. 6d. de Firma Com'.*

Idem

Idem Vicecomes reddit compotum de 80 *marc' pro proficuo Com' & exit' ville & nundinorum & Hundredi de* Wencham *ſicut continetur in quodam Rotulo*, &c. and ſo it continued in the time of *E.* 1.

By which it is evident, 1. That ſometime there was nothing at all anſwered *pro proficuis*, but it was caſt into the Firme of the County. 2. That although the body of the County, conſiſting of a certain yearly Revenue was in Firme, yet oftentimes the *Proficua Comitatus* were not in Firme, but the Sheriff accompted for them *ut Cuſtos*, ſometime higher, ſometime lower, as the profits aroſe.

But in proceſs of time the *Proficua Comitatus*, at leaſt in ſome Counties, fell under a Firme, though in ſome Counties ſooner, in ſome later; and having once begun to be in Firme, the ſucceeding Sheriff took it as his predeceſſour left it; and ſo it became in time a ſetled Firme, though not expreſsly reſerved upon the Patent of every Sheriff.

And

And yet in ſuch caſes it was become a ſetled Firme, by uſage and cuſtome; yet when the Sheriff found that his Firme was too great for theſe profits (which were caſual, ſometimes more, ſometimes leſs) he was in thoſe elder times admitted to accompt *ut Cuſtos*, without being bound to anſwer his entire Firme, unleſs he ſaw fit. But that was rarely in uſe after the time of *H.* 4. and accordingly it ſeems to be intimated in that ordinance of 54 *H.* 3. above mentioned, for writing the great Roll of the Pipe, *viz. de Firmis pro Proficuis, vel de Proficuis.* And this ſhall ſuffice for the unriddling of the Sheriffs Accompts till the 10 and 11 *Ed.* 1.

CHAP.

CHAP. VII.

The Second Period of the Sheriffs Accompts, viz. How they ſtood from 10 E. 1. *untill* 34 H. 8.

WE have in the former Chapter ſeen how the Statute of the Sheriffs Accompts ſtood in relation to the annual Revenue of the County, whether Certain or Uncertain, and both ſtand now reduced under a Firme, *viz.*

1. The *Corpus Comitatus* anſwered under a Firme; partly *blanc*, and partly *numero*.

2. The *Proficua Comitatus* gradually alſo reduced into a Firme intirely *numero*; but with a liberty for the Sheriff to eaſe himſelf of the exceſs of his Firme above the profits, by ſubmitting to an accompt of theſe profits as Bayly or *Cuſtos*.

It

It fell out in proceſs of time that the Kings of *England* granted away many of thoſe Vicontiel Rents, and the Lands upon which ſome of them were charged, whereby the Sheriff loſt much of what was to make up the Firme of his County. And although the Sheriffs, upon ſhewing thereof upon their Accompts, had an allowance of that which was ſo granted away, yet it made a trouble and diſorder in the Sheriffs Accompts.

And therefore it was neceſſary to have ſome proviſion for the ſame, but this onely concerned that part of his Firme which was of the *Corpus Comitatus*, or the Firme of the Certain Annual Revenue. Therefore by the Stat. of *Rutland* 10 *E.* 1. this proviſion is ſetled.

Quod non ſcribatur de cetero corpora Comitatum in Rotulis ſingulis, quin ſcribantur in quodam Rotulo annuali per ſe, & legantur ſingulis annis ſuper compotum Vicecomitis ſingula, viz. *in ſingulis Comitatibus, ut ſciatur ſi quid nobis poſſit accidere*

In

in quocunque Comitatu. Remanent' vero eorundem Comitatuum poſt terras datas ſcribatur in Rotulis annualibus & onerentur inde Vicecomites. In quibus quidem remanentibus allocentur liberationes, eleemoſyne, &c. Scribantur etiam in eiſdem Rotulis annualibus Firme Vicecomitum, proficui Comitatus, firme Serjantiar' & Aſſartor', Firme Civitatum, Burgorum & Villarum, & alie Firme de quibus eſt reſponſum annuatim ad Scaccarium preditum. Scribantur in eiſdem omnia debita terminata & omnia groſſa debita de quibus ſpes eſt quod aliquod inde reddi poſſit. Item omnia debita quæ videntur eſſe clara, titulum de novis oblatis. Nihil ſcribatur in Rotulo Annuali niſi ea de quibus eſt ſpes, &c. De Firmis vero mortuis & debitis de quibus non eſt ſpes, fiat unus Rotulus, & irrotulentur & legantur ſingulis annis ſuper Compot' Vicecom' & debita de quibus Vicecomes reſpondebat ſcribantur in Rotulo annuali & ibi acquietentur.

And by this Act these alterations were made.

I. the state of the yearly Rents which heretofore made up the *Corpus Comitatus* was examined, and it was considered what parts thereof had been granted out by the King, to the end that the Sheriffs Firme of the body of the County might be abated with respect to those grants; which reduction of the Firme is stiled *Remanentia Firme post terras datas.*

II. The old stile of *Corpus Comitatus* was now put out of the charge, and whereas formerly the Sheriffs charge was *De Firma de corpore Comitatus*, now it was changed, and the charge was *De remanente Firme post terras datas:* And accordingly it was forthwith altered in the great Roll, onely when those remaining Rents that were to make good this *Remanentia Firme*, did consist of Rents *blanc*, or of Rents *numero* onely, it was accordingly

ly written, *viz.* in this manner.

De remanente Firme de Com' 100*l.* bl.
De numero Comitatus 50

III. There was to be extracted out of the great Roll the old Rents that made up the *Corpus Comitatus* and the title thereof, and thoſe Firmes that were *Firme mortue* or *obſolete*, illeviable Firmes, and thoſe debts that were deſperate, and the great Roll of the Pipe (which was written every year) was to be diſburthened of them, and they were to be tranſcribed into another Roll called an Exannual Roll.

This Exannual Roll to be yearly read to the Sheriff upon his Accompt, to ſee what might be gotten: and if any thing appeared to be good, then the ſame to be recharged again upon the great Roll of the Pipe.

IV. But there was no alteration hereby made of the *Firma de Proficuis*: So that by this Act as in relation to the Firmes and Rents of

the County theſe things were done. 1. Thoſe Firmes or Rents that were wholly granted away, were wholly put out of charge, whether they were aſſart Rents or Firmes charged upon particular Perſons or Land, or that were within the Sheriffs Firme as Vicontiel Rents. 2. If any Vicontiel Rents that made up the Sheriffs *Firma de corpore Comitatus* were granted out, the Sheriffs Firme was abated in reſpect thereof. 3. If there were any Obſolete or Dead Rents, that were either Vicontiel Rents or charged upon particular Lands or Perſons which had not been a long time anſwered, they together with the *Corpus Comitatus* were removed out of the Annual Roll and tranſmitted into the Exannual Roll read yearly to the Sheriff, to ſee whether any hope of levying them: but their writing out in charge in the great Roll ſuſpended till they might be after diſcovered to be leviable.

And accordingly preſently after the making of this Act, the Firme

of

of the Sheriffs charge in the Summons of the Pipe and the entry thereof upon the great Roll was changed, and this memorial is made upon the Pipe-roll for every County.

Corpus hujus Comitatus non annotatur hic, ſed annotatur in quodam Rotulo in quo ſcribuntur omnia corpora Comitatuum Angliæ *in manu Regis exiſtentia ſimul cum Firmis mortuis & debitis quaſi deſperatis quæ debent ſingulis annis legi & recitari ſuper Compotum Vic' ut ſciatur quid inde accidere poſſit Regi ex quacunque cauſa que ſunt in Theſauro. In quibus etiam continetur quod inde Vicecomites onerentur in compotis ſuis predictis de remanentibus Firmarum Comitatuum poſt terras datas. Et quod in eiſdem remanentibus allocentur liberationes & Eleemoſyne conſtitute & alie allocationes ſi quas Vic' habuerint per Br'ia Regis de eorundem exitibus.*

And according to this Act and Memorandum the great Roll was certified: for instance, before this Act the great Roll for *Glouceſter* did run thus.

J. F. *reddit compotum de* 372*l.* 13*s.* 6*d.* blanc. *de Firma Comitatus.*

But after this alteration it runs thus.

In the great Roll 12 *E.* 1. Rogerus *de* Lockington *Vicecomes reddit compotum de* 38*l.* 14*s.* 11*d.* blanc. *de remanente Firme Comitatus poſt terras datas.*

Idem Vic' reddit compotum de 80 *marc' de Firma pro proficuis Comitatus* (which was the old Firme thereof before 10 *E.* 1.)

So again in the Pipe-roll 10 *E.* 1. which was the Accompt of the year next before the making of this Act the Roll runs thus, *viz.*

Bedf. Bucks, Richardus *de* Gollington *reddit compotum de* 319*l.* 19*s.* 11*d.* bl. *& de* 108*l. numero, de Firma Comitatus. Et reddit compotum*

tum de 180 *marc' de Firma pro proficuo Comitatus ſicut* Johannes *de* Chedley *reddere conſuevit.* In the Roll next after the making of this Act it runs thus.

Richardus *de* Gollington *Vic'* *reddit compotum de* 17*l.* 7*s.* bl. *de remanent' Firme Comitatus poſt terras datas ſicut ſupra continetur, & de* 108*l. de Firma numero.*

Et Vic' reddit compotum de 100 *marc' de Firma pro proficuis ſicut continetur in Rot.* 11: By which inſtances theſe things appear, *viz.*

1. That the *Firma de Proficuis* continued the ſame as before: For therein no alteration was made by the Stat. of *Rutland.*

2. That the Title of the *Firma de corpore Comitatus* was changed into the Title *de remanente Firme Comitatus poſt terras datas.*

3. That the quantity of the Firmes were reduced to ſmaller Summs with reſpect to thoſe Firmes or Lands charged therewith formerly and ſince granted out.

4. That yet the Titles of *Blanc*

and *Numero* continued or were omitted as the nature of the Vicontiel Rents that remained ungranted were, *viz.* When all the *blanc* Rents were granted out, the Firme *de remanente* was answered onely *numero*. Where all the Rents *numero* were granted the Sheriff answered his Firme wholly *blanc*. If part of his Rent *blanc* were granted and nothing of those Rents that were answered *numero*, he answered the remaining part of his Firme *blanc*, and the entire residue *numero*. For the Sheriffs Firme of the County before, and *de remanente* now, did answer to the quantity, and also to the nature or quality of those Vicontiel Rents that he was to receive to make good his Firme.

But abating that one alteration from *Firma corporis Comitatus* to *de remanente Firme*, and the abridging of the Firme as before, and the discharging both of the Summons of the Pipe and the great Roll of those charges that were transcribed into the Exannual Roll,

the

the reſt, both of the charge and great Roll continued as before.

But notwithſtanding this proviſion gave ſome eaſe to the Sheriffs in relation to thoſe Firmes, yet the charging of them with theſe Firmes became a matter of continual complaint, for that they were ſtill charged with theſe Firmes, yet many of the Rents and benefits that ſhould make good their Firmes were ſold or became illeviable after *Rot. Parl. 25 E. 3. n. 39. Item pry les Commons que touts Vicounts que ſont charge de certain Firmes pur les Counties ou ils ſont Vicounts ſoient diſcharge de ceo poſt reſceit de lour Baily per cauſe de Franchiſes grant Ronne breve ſoit mand al Treaſurer & Barons deſchequer quils faient due allowances al cheſcun Vicount ſur le render de lour Accompts en cheſcun caſe la ou ils voilent quil ſoit reaſonable.*

And in the ſame Parliament in 47, the Sheriffs of *Bedf.* and *Bucks* pray to be diſcharged of the Firmes of the Baylywick of their Hundreds, becauſe thoſe Baylywicks yielded

yielded no profit: they are remitted to the Exchequer, *Rot. Parl.* 45 *E.* 3. *n.* 45. The Sheriffs of *Eſſex* and *Hertford*, pray an eaſe in reſpect of illeviable Firmes charged upon them, and Hundreds and Rents granted from them: anſwered, *Le Roy leur ad fait grace.*

By the Statute of 1 *H.* 4. *cap.* 11. upon the complaint that the Sheriffs are charged with the ancient Firmes of their County, notwithſtanding that great part of the profits of the ſame be granted to Lords and others: It is enacted that the Sheriffs ſhall accompt in the Exchequer and have an allowance by their Oaths of the iſſues of their Counties.

Rot. Parl. 11 *H.* 4. *n.* 46. *& ſequent'.* The Sheriffs of ſeveral Counties complain that they are charged with ſeveral ancient Firmes which they are not able to levy, *viz. Eſſex* and *Hertf.* with the Firme of the County, and the Firme of the profits of the County: *York* with the Firme of the County, *poſt terras datas*

datas. *Devonſhire* with the *remanent' Firme Comitatus poſt terras datas*, the *Firma de Proficuis Comitatus*, and a certain Firme of 100 marks called blanch Firme. *Norfolk* and *Suffolk* with a Firme called *de remanent' Firme poſt terras datas*, and *Firma de Proficuo Comitatus*, whereof they complain that they cannot levy any thing, and beſides the Hundred and Liberties granted out to the diminution of their profit; and pray remedy according to the Stat. of 1 *H.* 4.

They are referred to the King's Council to make ſuch pardon and mitigation as they ſhall think reaſonable.

Rot. Parl. 1 *H.* 5. *n.* 34, 35. The like complaints are made in the behalf of the Sheriffs, and prayed that they may have allowances out of their Firmes upon their oaths according to the Statute of 1 *H.* 4. But they have the like anſwer as before, *viz.* a reference to the Council.

But *Rot. Parl.* 4 *H.* 5. *n.* 24. and 4 *H.* 5. *cap.* 2. The like petition is received

received, *viz.* that by their oaths they may have an allowance of what the cannot levy out of those great Firmes that are charged *sub nomine Vic'*, *viz.* Firmes of their Counties, *blanc* Firmes *de novo incremento*, &c. But instead of redress they lost that benefit which the Statute of 1. *H.* 4. had before afforded them. And it is directly enacted that the Sheriffs shall have allowances by their oath of things casual, which lye not in Firme or annual demand: But of those things which lye in Firme annual, or demand annual, they be charged as Sheriffs in aforetime had been charged. And thus stood the business of the Sheriffs Firmes untill the Statute of 34 *H.* 8. which is the next Period.

CHAP.

CHAP. VIII.

Touching the State of the Sheriffs Firmes from the Statute of 34 H. 8. *till the fourteenth year of the Reign of King* Charles 1. *which is the Second Period.*

WE have ſeen in the former Chapter how the caſe ſtood with the Sheriffs Firme after the Statute of *Rutland*, and how the Statute of 4 *H.* 5. *cap.* 2. bound the Firmes charged upon the Sheriffs, cloſer upon them than for ſome years before: and ſo they continued till the making of the Statute of 34 *H.* 8. *cap.* 16.

This Statute recites thoſe ſeveral Firmes charged to the Sheriff *ſub nomine Vicecomitis*, viz. *de remanent' Firme poſt terras datas*: *Firma de Proficuo Comitatus*, and thoſe other minute Firmes demanded

ded *ſub nomine Vicecomitis.* And many of theſe particular ſmall Rents that made up theſe Firmes charged upon the Sheriffs are loſt or not leviable, or extinguiſhed by Attainders and Diſſolutions of Monaſteries, and yet the Sheriffs continue charged with their Firmes as formerly. It enacts,

1. That all Sheriffs that have no Tallies of Record ſhall upon their days of prefixion deliver in Rolls or Schedules of Parchment containing the particular Summs of Money which he hath or might have levied as parcel of the ſaid ancient Firmes, naming the Perſon and Lands of which they are to be levied.

2. That after ſuch Schedules delivered the Court ſhall have power to allow and make deductions in the ſaid Sheriffs Firmes of all ſuch Summs of Moneys as the Firmes ſhall be more than the Summs in ſuch Schedules ſhall amount unto.

3. And the Court ſhall proceed to the recovery of ſuch Summs belonging

longing to the ſaid Firmes as are omitted in ſuch Schedules.

4. That the Sheriff have allowance and diſcharge of all ſuch ileviable Summs as are written to him in proceſs.

5. That the Sheriff have allowance for entertainment of Juſtices, *&c.*

But this was but a temporary Act, and diſcontinued at the next Parliament. But a farther Act was after made for the eaſe of the Sheriff, eſpecially in relation to thoſe Firmes, *viz.* 2 and 3 *E.* 6. *cap.* 4. By this it is enacted,

1. That the Sheriff ſhall have ſuch allowances and Tallies of reward as they had before the Act of 34 *H.* 8. or may accompt according to the Act at their election.

2. That they that accompt and take no Tally of Record ſhall be treated in the Exchequer as though the Act of 34 *H.* 8. were in force.

3. That thoſe that have no Tallies of reward ſhall have allowance of the Diet of the Juſtices, *&c.*

4. That

4. That all such Sheriffs as take no tallies of reward shall be discharged of all Firmes, Goods, Chattels, Profits, Casualties, &c. as they cannot levy or come by.

5. That all that have Tallies of Reward shall be discharged of all Firmes and Summs of Money that they cannot levy, except Vicontiels with which they are to remain chargeable as before the making of the former Act.

6. That Sheriffs shall have allowances of such Vicontiels as are extinguished by unity of possession in the Crown by dissolution of Monasteries.

7. That the Sheriff at his day of prefixion when he is sworn to his accompt, shall be sworn to deliver into the Court of Exchequer, Rolls or Schedules of Parchment containing all the particular Summs of Money which he hath levied or might levy of his Vicontiels or other Firmes, mentioning the Persons and Lands of which they are leviable, and the Court to take care for the levying

levying of ſuch of the Vicontiels, or Firmes, which are omitted out of the Schedules, for ſaving the King's rights, and to make out proceſs for the ſame.

Upon theſe Acts theſe things are obſervable.

I. That thoſe Sheriffs that have Tallies of reward may not diſcharge themſelves of their Vicontiels, *viz.* the *Remanent' Firme poſt terras datas*, and *Cr'o Comitatus*, and other ſmall Rents charged *ſub nomine Vicecomitis* (if he take his Tally of reward) by oath that he cannot levy it, or all of it.

II. But if ſuch a Sheriff will wave his Tally of reward, he may accompt according to the Statute of 34 *H.* 8. and ſo diſcharge himſelf of his Vicontiels or Firmes thereof as well as other Firmes. And the truth is, I think, anciently there were ſome Sheriffs that had Tal-

lies of reward, *viz. York*, *Northampton*, *Cumb'land*, *Hereford*, &c.

But since the making of this Act they have waved them, accounting it more beneficial to take the benefit of those Statutes upon their accompt, than to take their Tallies of reward. So that now all Sheriffs have an equal benefit of the Statutes of 34 *H.* 8. and 2 and 3 *E.* 6.

III. But those Sheriffs that had no Tallies of reward might discharge themselves of their Vicontiels and Firmes *de remanente Comitatus*, as well as other things that they could not levy.

IV. That all Sheriffs, as well those that had or had not Tallies of reward might discharge themselves of the casual charges, or their annual uncertain charges; and consequently might, and most ordinarily after this Statute did discharge themselves of the entire Firme *de proficuis Comitatus*, in case the profits of their

their Counties did not ſurmount the charge that attended them. And by this means ſince the making of this Statute, thoſe Sheriffs that were charged with the *Firma de proficuis* rarely if at all anſwered any thing for it, becauſe they have always aſcertained the Court that there were no ſuch profits beyond the charge in collecting them: or that the charge of keeping the County-Court, the Turns, the Hundred-Courts, which were the things that made up the *Firma de proficuis*, ſurmounted the benefit.

V. And this making appear was no other than the oath of the Sheriff, that he could not levy this or that Rent, parcell of his Vicontiels, or that there were no *Proficua Comitatus*, &c. And this oath of the Sheriff hath always been the Warrant to diſcharge him of all or any part of his Firmes. By which means it hath moſt ordinarily come to paſs that although the Sheriff hath paid

in his profers at Easter and Michaelmas, yet when he comes upon his accompt he doth by his oath discharge himself of all his *Firma de remanente Comitatus*, and thereby most times the King becomes Debtor to the Sheriff for those Moneys which he received as profers, or Moneys due by the Sheriff upon his Firme.

And it is but reason; for the Statute gives him that just benefit to discharge himself by his oath of what he cannot levy or receive.

And yet though the Sheriffs have constantly by their oath discharged themselves of the entire Firme *de Proficuis Comitatus*, and of a great part of their other Firmes of the Vicontiels, or *Remanent' Firme*, and other Rents charged upon them in gross Summs, by swearing the illeviableness of some of those Vicontiels which make up those *Remanent' Firme Comitatus* and gross Summs, yet constantly after this Act and until the year of our Lord

1650

1650 the entire Firmes, *viz.* the entire Firme of the *Remanent' poſt terras datas*, and the entire Firme *de proficuis Comitatus*, were conſtantly written out in charge to the Sheriff upon the Summons of the Pipe, and entirely charged upon the great Roll, as they had ever been ſince the Statute of *Rutland*, and in the very ſame manner, though in truth it was for the moſt part but an idle piece of formality; for the Sheriffs conſtantly ſwear it off by virtue of the Statute. And thus by theſe Statutes the Sheriff had eaſe by his oath from that part and thoſe parts of his Firmes that he ſweared he could not levy.

But the truth is the Sheriffs have taken that part of the Statute which was for their eaſe, *viz.* to ſwear in diſcharge of their Firmes, but have two much omitted that other part of the Statute that was for the King's advantage, *viz.* the delivery in upon their oaths the Schedules of their Vicontiels: by which omiſſion poſ-

ſibly many ſmall, but good, Rates have been loſt ſince the Statute of 2 and 3 *E.* 6. which might have been preſerved. Although poſſibly the far greater part were loſt long before, as appears by the complaints of the Sheriffs, in relation to their Firmes, in the Parliament Roll of 11 *H.* 4. above mentioned. And thus the Sheriffs Firmes ſtood untill the 15th of King *Charles* the firſt.

CHAP.

CHAP. IX.

The Third Period from the fifteenth year of King Charles *the firſt untill the year of our Lord* 1650. *And how the Sheriffs Firmes and Accompts ſtood in that interval.*

BY an order of the Court of Exchequer made the 25th. *Junii*, 15 *Car.* 1. upon the complaint of the King's Firmor of decayed Rents it was ordered that the Clerk of the Pipe ſhould caſt up and compute, and ſeverally and diſtinctly put in charge arrearages of decayed Rents and parcells of Rents, that proceſs and commiſſions might be made forth thereupon by virtue of the order. But this proved uneffectual, for although the ſame was done

accordingly, yet the King received litte advantage thereby, neither did it at all convenience the Sheriff, or alter the charge written out in the Summons of the Pipe, or upon the great Roll. For the Firmes continued ſtill in charge as before, without any alterations: And though ſomewhat of ſmall conſequence was found out, which might help to make good the Sheriffs Firmes in ſome particulars, yet the ſame ſtill fell ſhort, and the Sheriffs were ſtill enforced to make uſe of the advantage of the Statute of 2 *E.* 6. to eaſe themſelves by their oath of illeviable Rents, till the year 1650.

CHAP.

CHAP. X.

The Fourth Period of the Sheriffs Firmes from the year 1650 *unto this day, and how they were anſwered in that interval.*

IN the times of the late troubles, *viz. 6. Julii*, 1650. there was an order made in the Court of Exchequer touching the Sheriffs Firmes and the Vicontiel Rents, which becauſe it hath ſet a Rule in this Buſineſs, which to this day is obſerved, I ſhall here tranſcribe *verbatim*,

" Whereas the Sheriffs of ſeveral " Counties of *England* ſtand charged in the great Roll of the Pipe, " and have ſo ſtood charged anciently with divers Summs of Mo-

" ney

" ney in groſs, *ſub nomine Vicecomitis*, under the ſeveral Titles of " *de rem' Firm' Com' poſt terras datas: de veteribus Cr'i Comitatus.* " *De Firma de proficuo Comitatus.* " *De Corvagio. De Warda Caſtri.* " *De Firma perpreſtur' & eſcaet.* " *De emerſis Firmis. De minutis* " *particulis. Serjantia de tr'is Aſſart' infra diverſas Foreſtas*, and " the like. And the ſaid Sheriffs " yearly, and from year to year, " have been and ſtill are commanded by the Summons of the Pipe, " to levy the ſame as heretofore to " the uſe of the Crown, ſo now to " the uſe of the Common-wealth, " without expreſſing where, of " whom, for what cauſe, or out of " what Lands or Tenements the " ſame are particularly to be levied by the ſaid Sheriffs, or out of " what particulars the ſaid Summs " in groſs do ſo ariſe; in regard " whereof, and that it hath heretofore appeared in the time of King " *H.* 8. upon complaint of the She-

" riffs,

" riffs, that a great part of the par-
" ticular Rents and annual Summs
" of Money, wherewith the ſaid
" Sheriffs do ſtand charged upon
" their Accompts in groſs, had been
" long before that time payable by
" Monaſteries, Abbots, Priors, at-
" tainted Perſons, and the like,
" whoſe Eſtates were come to the
" Crown, and ſo ought to be diſ-
" charged by unity of poſſeſſion;
" and yet that the ſaid Sheriffs were
" ſtill charged in groſs with the
" ſame, to their great burthen and
" grievance; it was in the 34th
" year of the ſaid late King *H.* 8.
" enacted by Parliament in the
" caſe of theſe Sheriffs, and of all
" Sheriffs for the time to come;
" that the ſaid Sheriffs ſhould be
" charged to anſwer upon their Ac-
" compts yearly ſuch Rents and
" Summs of Money of the natures
" aforeſaid onely, as by the parti-
" cular Rentals or Vicontiels, by
" them to be yearly delivered in
" upon oath, they ſhould ſet forth

" and

" and make appear to be by them
" leviable; and that they ſhould
" be diſcharged of all the reſidue
" which they upon their Oaths
" ſhould affirm to be illeviable, by
" virtue of the ſaid Act of Parlia-
" ment, which hath been ſo con-
" tinued accordingly, ever ſince.
" Howbeit the Sheriffs have from
" time to time complained, and
" ſtill complain againſt the writing
" forth of more to be levied and
" anſwered by them upon their Ac-
" compts, than ſuch Rents and
" Summs of Money onely as ap-
" pears upon the oaths of their
" predeceſſors, Sheriffs, to be le-
" viable; and that the reſt, ap-
" pearing to be illeviable, ought
" to be removed out of their ſaid
" annual Roll, and Commiſſions
" thereupon to be awarded out of
" the Exchequer, for reviving the
" ſame according to the true in-
" tention of the ſaid Statute of
" 34 *H.* 8. which the now Lord
" chief Baron, and the reſt of the
" Barons,

" Barons, taking into their ſerious
" conſideration, and being willing
" and deſirous, ſo far forth as may
" ſtand with the preſervation of
" the due rights of the Common-
" wealth, to give all fitting eaſe
" and ſatisfaction to Sheriffs there-
" in, according to the meaning of
" the ſaid Statute of 34 *H.* 8. and
" according to the Statute of *Rut-
" land*, 10 *Ed.* 1. whereby it is
" provided that nothing ſhall be
" written out to the Sheriffs but
" ſuch Firmes and Debts whereof
" there is ſome hope that ſome-
" thing may be levied. And that
" all dead Firmes and deſperate
" Debts are to be removed from
" the annual or great Roll into the
" exannual Roll, and not to be
" written forth in proceſs to the
" Sheriff, but to be inquired of
" to ſee if any thing may be revi-
" ved. Whereupon the ſaid Lord
" chief Baron and the reſt of the
" Barons, calling before them the
" Clerk of the Pipe, with the Se-
" conda-

" condaries, and the reſt of the
" ſworn Clerks of the ſaid Office,
" and upon debate of the buſineſs,
" finding it to be a work of great
" difficulty, labour and care, to
" examine and ſet forth in every
" County, from the Originals and
" Records of ſuch antiquity to be
" compared with later times, the
" particulars which are from hence-
" forth to be written to the Sheriffs
" to levy in certain. And ſuch as are
" for the reaſons aforeſaid to be re-
" moved out of the ſaid annual Roll
" have nevertheleſs in eaſe of all
" Sheriffs for time to come, with
" reſpect to the labour and care of
" the Officers and Clerks to be by
" them undergone therein. It is
" this day ordered that the Clerk
" of the Pipe, the Secondaries and
" other ſworn Clerks of the ſaid
" Office in their ſeveral aſſignments
" ſhall in purſuance of the ſaid
" Statute of *Rutland*, and the ſaid
" Statute of 34 *H.* 8. uſe their beſt
" endeavour, diligence and care,
" with

" with as much convenient ſpeed
" as a work of ſo great labour and
" conſequence may well be perfor-
" med, fully to explain and ſet
" forth, and ſhall from henceforth
" fully explain and ſet forth, in the
" ſubſequent annual Roll of this
" Court, ſo many of the particu-
" lar Rents as they find out and
" diſcover by any of the Remem-
" brances, Books, Vicontiels of
" Sheriffs, or other Records of this
" Court, to have been, and which
" be appertaining to the making
" up of every of the ſaid Firmes ſo
" charged in groſs Summs as afore-
" ſaid, and ſhall therein diſtinguiſh
" which and how much of thoſe
" particular Rents have been and
" are to be yearly anſwered.

" And ſo much of the ſaid Firmes
" as cannot be explained by ſetting
" forth the particulars, together
" with the particulars ſo ſet forth
" and explained, which have been
" in decay and unanſwered by the
" ſpace of forty years laſt paſt, and

" which

" which are become illeviable, ſhall
" be thereupon removed and con-
" veyed out of the ſaid annual Roll
" and Sheriffs Accompts into the
" exannual Roll of this Court.
" And that Commiſſions and Pro-
" ceſs ſhall be from time to time a-
" warded to regain and recover the
" ſame, according to the true in-
" tention of the ſaid Statutes.

This Order produced theſe Effects.

I. Great care was taken to collect and ſet forth the obſcure Rents, and upon what they were charged.

II. The particulars of thoſe Rents and Vicontiels that made up the Sheriffs Firmes formerly, of *Remanent' Firme poſt terras datas*, and *De Cremento Comitatus*, as alſo thoſe Rents that were charged upon the Sheriffs in groſs Summs, as *De diverſis Firmis, De minutis particulis Serjantiarum*, and ſuch other charges

charges in groſs were wholly left out and omitted.

IV. Inſtead thereof ſuch particular Rents and Vicontiels as made up formerly theſe Firmes and groſs charges, or Money of them as could be diſcovered were particularly written out in the Summons of the Pipe, and in the great Roll firſt under the title of ſeveral Hundreds, wherein the Bills lay that were charged or had any Lands charged within them with theſe Vicontiels and the ſeveral Vills under the Titles of theſe Hundreds, and the ſeveral Lands that were charged within thoſe Vills, as far forth as could be diſcovered.

V. Thoſe Vicontiels that were part of thoſe Firmes or groſs charges, and likewiſe ſuch particular Rents charged formerly in the annual Roll in particular, which had not been anſwered in forty years before, were removed out of the

Summons of the Pipe and great Roll into the exannual Roll to be put in proceſs as they could be diſcovered. And thus the form of the charge which had continued ever ſince 10 *E.* 1. as to the Firmes and groſs Summs, was too lately changed to the great eaſe of the Sheriffs, of the Court and of the People, who were often haraſſed by the Sheriffs to make themſelves favers, by levying theſe obſcure incertain and illeviable Summs. And all this without any detriment to the King who indeed before had an appearance of great Firmes and Summs expreſſed in the Summons of the Pipe and great Roll, which yet were ſworn off too little by the Sheriffs in purſuance of the Statute of 23 *E.* 6.

VI. But beſides all this, the *Firma de proficuo Comitatus* was alſo wholly laid aſide and put out of the charge of the Summons of the Pipe and the great Roll. It is true there

there is no clear warrant for putting the Firme out of charge by that order, for that order ſeems to extend onely to Rents and Vicontiels, which indeed made up the other in Firmes and groſs Summs charged upon the Sheriffs. But this Firme was anſwered for the profits of Courts and other caſual perquiſites, and not in reſpect of any Vicontiel or annual Rent. But yet for all that, the true extent of that order might extend to put that Firme wholly out of charge, ſince it is apparent that the profits of the Sheriffs Courts whether Hundred-Courts, County-Courts or *time*, do ſcarce quit the charges of keeping them at this day, nor for a long time paſt. Neither is the King *de facto* at any loſs thereby, for though before this order this Firme was indeed in charge and carried the ſhew of ſome benefit to the King, yet it was wholly ſworn off by the Sheriffs by virtue of the Statute of 2 and 3 *E.* 6.

Onely it seems reasonable that though the *Firma de proficuis* be put out of charge so that the Sheriff should not be compelled to answer a Firme to that which yields little or no benefit, yet that the Sheriff should be charged to accompt for the *Proficua Comitatus* as Bayly or *Custos* though not as Firmor.

And that therefore there should stand in charge upon him to accompt *de Proficuis*, which is all that I can find considerable to be supplied in that order, or in the present methodizing of the great Roll in relation hereunto. And although this order was made in the late time of trouble, yet it hath obtained and stood in force unto this day.

The late Act of this Parliament intituled *An Act for the preventing of the unnecessary delays of Sheriffs*, &c. hath this Clause sutable to the said order, *viz.*

" And to the end that Sheriffs " may for the time future be eased

" of

" of the great charge and trouble
" which they heretofore have been
" put to in paſſing their Accompts
" in the Exchequer, occaſioned part-
" ly in regard that divers Summs
" of Money have ſtood charged
" upon them in groſs without ex-
" preſſing from what perſons, or
" for what cauſe, or out of what
" Lands and Tenements, the
" ſame are particularly to be le-
" vied, or out of what particu-
" lars the ſaid Summs in groſs do
" ariſe, whereby it cometh to paſs
" that the Sheriffs do ſtill ſtand
" charged in groſs with divers
" Summs of Money which were
" heretofore payable by Abbots,
" Priors, Perſons attainted, and
" ſuch other Perſons, whoſe E-
" ſtates are ſince come to the
" Crown, or are otherwiſe diſ-
" charged or illeviable. And part-
" ly by the Accompt of Seiſures,
" or foreign Accompts, and by
" exaction of undue Fees of She-
" riffs upon their oppoſals. But it

" is enacted, &c. that no Sheriffs
" ſhall be charged in accompt to
" anſwer any illeviable Seiſure,
" Firme, Rent or Debt, or either
" Seiſure, Firme, Rent, Debt or
" other matter or thing whatſoe-
" ver, which was not writ in pro-
" ceſs to him or them to be levied
" wherein, the perſons of whom,
" or the Lands and Tenements out
" of which, together with the cauſe
" for which the ſame ſhall be ſo levi-
" ed ſhall be plainly and particu-
" larly expreſſed, but ſhall be there-
" of wholly diſcharged without Pe-
" tition, Plea or other trouble or
" charge whatſoever.

This Act had in effect diſcharged the old charges in groſs, had not this buſineſs been before ſetled by the order of 1650. But by that order the ſame thing is done and much more, and put into a very good order.

And thus I have done with this intricate Argument touching the Sheriffs

Sheriffs Firmes. And the occaſion of my ſtrict enquiry into it was, a difference between the Auditors and the Clerk of the Pipe: upon the whole debate whereof, I found onely theſe matters.

1. That, in truth, the great occaſion of complaint was, that the Clerks of the Pipe uſed different methods of accompting from the Auditors of the Revenue, the not obſervance whereof occaſioned a miſtaken repreſentation by the Auditors that there was a deceit in their Accompts, whereas it appeared to be no ſuch thing: for when both accompted their ſeveral ways, the iſſue was that the Accompts agreed in the concluſion.

2. That the Firme *de proficuo Comitatus* was put out of charge without Warrant, and it was thought by the Auditors, a great and conſiderable loſs to the Crown, ſuppoſing that the Fees for execution of Pro-

ceſs and Writs were to make up that Firme: but this is ſufficiently unriddled before.

3. That there was an allowance to the Sheriff of *Bucks* of a conſiderable yearly Summ, *ut Apparatori Comitatus:* This indeed ought not to be allowed at this day, the reaſon thereof ceaſing as hath been ſhewed; and therefore from henceforth that charge is to be diſallowed, but the Clerk of the Pipe not greatly blamable herein, becauſe there was an order of the Court in the Queens time for making that allowance: But the reaſon whereupon that order was made was a miſtake and an errour in the Court not in the Clerk that followed the order.

4. That there is no accompt given for the Firmes of Baylywicks as was anciently; which indeed, was parcel of the *Proficuum Comitatus*, as hath been ſhewed. But the

the truth is, there is no great reaſon for any ſuch complaint, the Firmes of Baylywicks being taken away by Act of Parliament, and levy diſuſed in moſt places.

5. That when a Sheriff is in Surpluſage they make it good unto him out of any other debt by the Sheriff himſelf, or any other Sheriff of the ſame or any other County, without any Warrant from my Lord Treaſurer or the Court. And beſides that, the other Sheriff is diſcharged upon the Roll of his Debt, and it doth not appear upon what reaſon. And indeed, this is a thing fit to be reformed, and that ſuch allowances be not made without Warrant from the Lord Treaſurer, or Order of Court, and that an Entry or Memorandum thereof be made upon the Roll of the Debts ſo diſcharged. But yet, the truth is, this manner of allowance hath been a long time uſed, and it is no novelty or late attempt, neither is there any great

damage

damage to the King by it, for it is but the payment of one real Debt with another. But howsoever, this is fit to be reformed by order of the Court that the Sheriffs deliver not in the Roll of the Vicontiel as is required by the Statute. And it is true, he ought to doe it or should be sworn thereunto. But the necessity is not now so great, because the particular Rents are now charged upon the great Roll by virtue of the order of 1650, which doth in a great measure supply that defect, and yet the delivery in of the Vicontiel Roll may be fit to be revived.

The most of the rest of the complaints were touching particulars mischarged, or not charged, but the Errours were rather in the Complainers than in the Pipe, and for want of a clear understanding of those intricate and obscure proceedings of the Pipe. And upon a full search of the particulars, I find the Clerks of the Pipe gave very clear satisfaction therein.

Upon

Upon the whole matter of theſe Accompts, I do obſerve theſe Two or Three Obſervables.

I. That the inconvenience of retaining the old formalities of proceedings, the ſame terms and words, and very ſame mood of all things in Accompts, when the nature of things and times requires a change, and accommodation of new forms or expreſſions as a piece of hurtfull ſuperſtition; therefore, although the change of forms of this nature is not to be done raſhly and precipitantly, yet when the exigence of things requires it, there muſt be an accommodation to the preſent uſe, underſtanding and exigence of affairs.

And hence it is that the Accompts of the Auditors of the Revenue are more eaſily intelligible as being framed to the uſe and exigence of the times; but the Accompts of the Pipe more myſterious and

and perplexed, to persons unacquainted with them, for till 10 *E.* 1. they kept in all things the precise form of writing their great Roll, as had been used in King *Stephen*'s time. And the same form they kept untill 1650, abating the alterations made in 10 *E.* 1. not without great inconvenience to the King's people and Sheriffs.

II. That these small Rents and Vicontiels would be with much more advantage to the King, and be sold off to the several Persons and Townships chargable therewith, than be kept in method of collection, as now they are, unless some more ready collecting of them by the Receivers could be thought upon, provided the Money arising by sale be laid out presently in more certain Revenue: For, 1. They are in respect of their smallness, and dispersedness, and uncertainty of charge and manner of collecting very subject to be lost, as they have

have been commonly from time to time. 2. The charge of collecting and accompting for them by the Sheriff is very great, and the trouble and charge to the people very much more. 3. The coſt and trouble to the King in reſpect of Officers writing and other matters relating thereunto, might be well retrenched thereby. And yet when all is done, it brings a great trouble, and makes a great noiſe as if it were a Revenue of great moment, and yet by that time the Sheriffs have done ſwearing of particulars as illeviable, or that they know not where to charge it, it becomes a very pitifull inconſiderable buſineſs, and ſcarce anſwering the charge of the collecting, accompting and anſwering it. For it muſt be obſerved that although by the order of 1650, the charge is more certain than formerly, yet the Sheriff hath ſtill by the Law the benefit of the Statute of 2 and 3 *E.* 6. even as to thoſe aſcertained Rents, and if he cannot find them he is, and ought to

to be discharged upon his oath thereof. And accordingly is daily discharged of many of those Rents though rendred much more certain by that order, and the pains and method of the Charge and Accompt, used in pursuance hereof. Whereby in process of time, many, even of these Rents particularly charged by virtue of that order, will be successively lost.

Sed de his curent Superiores.

FINIS.